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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,173	09/14/2000	Wataru Nara	197193US2	9734
22850	7590	10/07/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ROGERS, SCOTT A	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,173

Applicant(s)

NARA, WATARU

Examiner

Scott A Rogers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19 and 21-34 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inage (JP 9-154019) in view of admitted prior art.

Referring to claim 19:

Inage discloses a method of reading out an image on an original document by exposing and scanning said original document and thereby obtaining image data comprising:

detecting the background level of said original document from said image data;

removing an influence due to the color of the background on said original document from said image data; and

performing the analog to digital conversion of said image data in accordance with said detected background level;

See JPO English abstract.

Inage does not disclose performing black shading compensation of said image data after said analog to digital conversion. However, performing black shading compensation of said image data after said analog to digital conversion

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is known as admitted by Applicant in the background discussion on pages 1-3 of the specification.

Referring to claim 34:

Claim 34 is directed to a method of exchanging an image data by use of a facsimile device in which an image on an original document is read by exposing and scanning said original document and thereby obtaining image data, comprising all the limitations set forth in claim 19, and further comprising transmitting the image data obtained by said image reading reading-out apparatus to a network and receiving the image data from said network; and forming the image on the basis of the received image data.

It would have been obvious to one of ordinary skill in the art to have provided black shading compensation of said image data after said analog to digital conversion in Inage in order to smooth the density response which is uneven due to the response of the sensor used for scanning the original document.

Referring to claims 33:

Claim 33 is directed to a method of copying an image on an original document including the limitations set forth in claim 19 and further comprising, forming an image on the basis of the image data.

While Inage does not disclose in the abstract the feature of forming the image, this is clearly the intent of processing the image data. The abstract recites as the purpose of the invention is to provide a copying machine with a

base density removal function. Furthermore, the image forming function is well known in the prior art.

It would have been obvious to one of ordinary skill in the art to have included in Inage, the well-known and intended feature of forming an image on the basis of the image data obtained in order to produce a hard copy print.

Referring to claims 34:

Claim 34 is directed to a method of exchanging image data by use of a facsimile device including the limitations set forth in claim 19 and further comprising, transmitting the image data obtained [by said image reading out apparatus] to a network and receiving the image data from said network; and forming the image on the basis of the received image data.

Inage does not disclose in the abstract the features of transmitting the image data obtained to a network and receiving the image data from said network; and forming the image on the basis of the received image data.

However, such features of transmission / reception of image data over a network and forming an image of the received image data are well known in the prior art. The image-forming feature is also the intent of the invention by Inage.

It would have been obvious to one of ordinary skill in the art to have included in Inage, the well known feature of transmission / reception of the image data over a network in order to allow of movement of image data between the source and remote locations thereby expanding the usefulness of the image processing device.

It would have been obvious to one of ordinary skill in the art to have included in Inage, the well-known and intended feature of forming an image on the basis of the image data obtained in order to produce a hard copy print.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-32 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 21 and 22, there is no antecedent basis for "performing the selection for said image data by use of the selection circuit in accordance with the sorts of the processing performed at the stage subsequent to that of said black shading compensation member".

In claims 23-24, there is no antecedent basis for "said plural black level values calculating steps". In claim 20, the word "members" on line 7 and 10 should be changed to ---steps--- to correct this problem.

Claims 25-32 depend directly or indirectly on claim 23.

In claim 34, there is no antecedent basis for "said image reading-out apparatus"

Allowable Subject Matter & Remarks

Claims 1-18 are allowed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note in the last line of claim 20, the word "compensarion" should be --- compensation---.

Claims 21-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Referring to claims 1-18 and 20, the prior art searched and of record neither anticipates nor suggests in the claimed combinations, said black shading compensation comprises; respectively obtaining, per each one line, plural black level values employed for said black shading compensation from said image data by use of respective different calculation members; selecting and outputting one black level value among plural sorts of black level values outputted by the plural black level values calculating members; and subtracting said selected black level value from said image data after said analog to digital conversion and performing said black shading compensation..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 703-305-4726. The examiner can normally be reached on Monday & Wednesday 6:00am-6:00pm and Tuesday & Thursday 6:00am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 305-4863.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-0377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SCOTT ROGERS
PRIMARY EXAMINER

01 October 2004